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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2019 / 2020

BIR 2884 - INDUSTRIAL RELATIONS (Distance Education)

6th March 2020
9.00 a.m. – 11.00 a.m.
(2 Hours)

INSTRUCTIONS TO STUDENTS

1. This question paper consists of 3 pages, inclusive of the cover page.
2. Answer **ALL FOUR (4)** questions.
3. Marks are shown at the end of each question.
4. **TAKE NOTE** that you **MUST** refer to case law and Acts of Parliament where necessary and relevant.

ANSWER ALL QUESTIONS**QUESTION 1**

Set out and explain **Sections 12 and 15 of the Trade Unions Act 1959.**

(25 Marks)

QUESTION 2

Dr.Syed is a doctor with Amanah Medical Centre (AMC), a private hospital based in Kuala Lumpur. He has been working with the hospital for the past 30 years as a heart specialist. He goes to the hospital every day and sees patients and performs operations as and when required at the hospital's operating theatre, assisted by the staff of the hospital and using the hospital's equipment. He earns a salary of RM 50 000 a month and AMC contributes to his Employee Provident Fund and makes salary deductions for his income tax returns monthly.

Dr. Syed is also a consultant surgeon with Ceria Medical Centre (CMC), another private hospital in Kuala Lumpur. He only goes to CMC as and when he is asked to do so and performs operations on an *ad hoc* basis. Patients pay his fees directly to Dr.Syed out of which he pays CMC for the use of equipment, operating theatre and staff.

In January 2019, Dr. Syed receives notice from both AMC and CMC that they are terminating his services with both hospitals as they are merging into one common private hospital and the new management is bringing in their own team.

Advise Dr.Syed as to his legal rights under industrial relations law.

(25 Marks)

QUESTION 3

Set out the facts and decision of **Wong Chee Hong v Cathay Organisation** (1988). Explain the legal principle established in that case and critically analyse the decision of the Supreme Court.

(25 Marks)

Continued.....

QUESTION 4

Sharifah has been working as a personal assistant to Mary, the Office Administrator of Baker Chemists Sdn Bhd (“the Company”) for the past five years. She started as a junior clerk with a salary of RM 800.00 per month and was promoted a few times to her current position with a salary of RM 1500.00 per month. Mary has a niece, Margaret, who has just graduated from college and is looking for employment.

Sharifah is generally a good worker but repeatedly misses her deadlines to submit reports, causing problems at the office. She has been given oral warnings and finally issued with a warning letter from the Company. Although Sharifah tried to rectify the problem, it kept recurring. Mary then informs the matter to the General Manager who issues a letter of suspension to Sharifah and informs her that there will be a domestic inquiry convened against her in three days’ time. Meanwhile Sharifah will be on no-pay suspension until the decision of the Domestic Inquiry.

Sharifah attends the office for the purpose of the domestic inquiry hearing at 10 a.m. only to be told that the hearing has been moved to the Executive Meeting Room that is situated in a block three kilometres away. Sharifah rushes to the other block only to discover that the hearing has proceeded in her absence. Sharifah requests for the matter to be adjourned, but Mary, who is chairing the panel refuses. Sharifah walks out of the hearing and it is continued in her absence.

Sharifah is then informed by the DI that she has been guilty of the offences that she was charged with but her punishment is deduction of half-month’s pay. Sharifah also discovers that Margaret is now the personal assistant to Janet. Sharifah leaves Baker Chemists. Discuss the legal issues.

(25 Marks)

(TOTAL: 100 Marks)

End of Paper